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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,182	04/09/2004	Jeong-Hoon Choi	P-0670	8416
34610 7590 05/01/2008 KED & ASSOCIATES, LLP P.O. Box 221200 Chantilly, VA 20153-1200				
EXAMINER				
CHURNET, DARGAYE H				
ART UNIT		PAPER NUMBER		
2619				
MAIL DATE		DELIVERY MODE		
05/01/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/821,182

Applicant(s)

CHOI, JEONG-HOON

Examiner

DARGAYE H. CHURNET

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-11, 13-18, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 11, 13-18, 22 and 23 is/are allowed.
- 6) ☒ Claim(s) 2, 3 and 5-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 2, 3, 5, 6, 9, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Esaki et al. (cited 5,450,406) hereinafter referred to as Esaki.

For claim 2, Esaki discloses a method of switching an asynchronous transfer mode (ATM) cell having a payload portion and a header portion comprising: passing the ATM cell through an ATM switch (see fig. 4, ATM switch 141); adding an information field to the header portion of the ATM cell (see col. 14, lines 14-19, routing tag is added to the header portion of the ATM cell); processing the ATM cell (see fig. 4, Output Processing Unit 14X and 14Y); and forwarding the ATM cell to a destination after the information field is removed (see fig. 14, lines 26-28, Output Processing Unit removing the routing tag) the ATM cell forwarded to said destination along a signal path that bypasses the ATM switch (see col. 14, lines 1-2, output processing units forward cells to other ATM-LANs).

For claim 3, Esaki discloses the ATM cell during processing has $(53+\alpha)$, and α corresponds to a size of the information field (see col. 14, lines 14-19, wherein a routing tag with an inherent size " α " is added to an ATM cell, inherently 53 bytes).

For claim 5, Esaki discloses a method of processing an asynchronous transfer mode (ATM) cell comprising: switching a received ATM cell through an ATM switch (see fig. 4, ATM Switch 141); adding routing information in a header of the ATM cell that has been switched (see col. 14, lines 14-19, routing tag is added to the header portion of the ATM cell); and forwarding the ATM cell according to the added routing information without any further cell switching through the ATM switch (see col. 14, lines 20-23, forwarding the ATM cell according to the routing tag to the output processing units without further cell switching at the ATM), the ATM cell being forwarded along a signal path that bypasses the ATM switch (see fig. 4, path from ATM switch 141 to destination at the output of the output processing units does not go back through the ATM switch).

For claim 6, an ATM cell inherently has a size of 53 bytes.

For claim 9, Esaki discloses processing the ATM cell before forwarding (see fig. 4, input processing units 14A and 14B and output processing units 14X and 14Y).

For claim 10, Esaki discloses changing of payload information (see col. 18, lines 49-51, wherein the payload section of the cell is edited).

Claim Rejections - 35 USC § 103

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Esaki in view of Smith (cited 6,349,097).

For claim 7, Esaki fails to disclose the added routing information has a size of 1 byte. Smith from the same or similar fields of endeavor teaches the added routing information has a size of 1 byte (see col. 11, lines 62-66, wherein the routing tag is a single byte). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to incorporate the elements above stated by Smith in the network of Esaki. The method taught by Smith is modified/implemented into the network of Esaki by using a routing tag with the size of 1 byte. The motivation for the

added routing information having a size of 1 byte is to not add too much overhead to the packet size.

For claim 8, Esaki discloses the forwarded ATM cell has a size of 53 bytes, after the 1 byte routing information has been removed (see col. 14, lines 26-28, wherein the routing tag is removed, and then output to the destination, so the destination receives the original ATM cell with a size of 53 bytes).

Allowable Subject Matter

4. Claims 1, 11, 13-18, 22, and 23 are allowed.

Response to Arguments

5. Applicant's arguments with respect to claims 2, 3, and 5-10 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dargaye H. Churnet whose telephone number is 571-270-1417. The examiner can normally be reached on Monday-Friday from 7:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. C./

Patent Examiner

Art Unit 2619

/CHAU T. NGUYEN/

Supervisory Patent Examiner, Art Unit 2619